

REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 1-20 were pending. Claims 21-34 have been added. Therefore, claims 1-34 are pending. Claims 1, 9, 15, 21, and 28 are independent.

INTERVIEW CONDUCTED

Applicant thanks the Examiner for conducting an interview with Applicant's representatives on June 7, 2005.

§ 103 REJECTION – SAKAEGI, HIRASAWA

Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sakaegi, et al. (USP 6,266,083) in view of Hirasawa (USP 5,424,776). See *Office Action*, page 3, Item 4. Applicant respectfully traverses.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. See *M.P.E.P. 2142*. One requirement to establish *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. See *M.P.E.P. 2142; M.P.E.P. 706.02(j)*. Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

During the interview, the Examiner verified that as disclosed in Sakaegi, the image recording takes only after the lens have arrived at their initialization positions.

See *Final Office Action, item 8.* In other words, the Examiner admits that Sakaegi cannot be relied upon to teach or suggest recording the image before the lens has completed its movement to the initialization position.

In contrast, independent claim 1 recites, in part “upon receipt of a command for image recording, control the memory to store data in accordance with the electronic information presently available from the image sensor before the lens group have arrived at the initialization positions.” *Emphasis added.* Independent claims 9 and 15 recite similar features.

Clearly, independent claims 1, 9, and 15 are distinguishable over Sakaegi. Hirasawa has not been, and indeed cannot be, relied upon to cure at least this deficiency of Sakaegi. Therefore, independent claims 1, 9, and 15 are distinguishable over the combination of Sakaegi and Hirasawa for at least the reasons stated above.

Claims 2-8, 10-14, and 16-20 depend from independent claims 1, 9, or 15 directly or indirectly. Therefore, for at least the reasons stated with respect to the independent claims, these dependent claims are also distinguishable over the combination of Sakaegi and Hirasawa.

Applicant respectfully requests that the rejection of claims 1-20 based on Sakaegi and Hirasawa be withdrawn.

NEW CLAIMS

Claims 21-34 have been added. The new claims are believed to be distinguishable over the cited references, individually or in any combination. Applicant respectfully requests that the new claims be allowed.

CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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